

WILLARD CITY CORPORATION PC061616

DATE: June 16, 2016
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Terry Ross
Commissioners: Sidney Bodily, Leslie Meyer, Chandler Bingham, John Seamons
Bryce Wheelwright - City Planner (non-voting member)
Del Fredde – City Council member (non-voting member)
Gaylene Nebeker - Planning Commission Secretary
EXCUSED: Gary Hart,
CITIZENS: See attached sheet

1. **Prayer – John Seamons**
2. **Pledge of Allegiance led by Del Fredde**
3. **General Public Comment (Input for items not on the agenda)**
4. **Public Hearing – to take public comments on Re-Zone Request for Jared Erickson representing Samuel Kunzler for Parcels #02-035-0046, 02-038-0056, 02-040-0002, 02-043-0013, 02-038-0009, 02-040-0001 and 02-040-0011 from A-3 and A-5 to PD Zone**

Chairperson Ross asked for a motion to open the public hearing.

A motion was made by Commissioner Seamons to open the public hearing at 6:30 p.m. to discuss the re-zone request for Jared Erickson representing Samuel Kunzler. The motion was seconded by Commissioner Bingham. The motion carried with a unanimous vote.

Jared Erickson was present at the meeting to answer any questions.

Doug Thompson- 1370 North Main – stated he does not have an issue with what is being proposed. His only concern is the easements for his and other property owners below the development that is not shown on the plan.

Chairperson Ross asked if this was on a planned road. Doug stated he has always had a right of way down through that area. It was shown on the map where the easement was. Jared Erickson has talked with his engineer and planner and the lane would remain there and stated when the public roads were put in they would have the same access they always had. Doug stated he does not agree with this because it is something that has been there for many years.

Marion Stokes – 1395 North Main – also has concerns with the easement stating it has been there for at least 81 years. She stated it was fine if it was a public road but would they be able to take their farming equipment down the public road. She has

already had issues on the 200 West Trail with the gates being closed. She asked if the homeowners are going to complain because of the farm equipment and semis are going down to their properties. She is not against them selling their land only the right of ways.

Larry Holmes – 1561 Hargis Hill – there is a section in the middle of the development and stated the lane goes down his property line. He said when he built his shop in 1975 he had to move his shop in to make room for a 30 ft. right of way off the side of his property so if that was ever made a road. He said it should be on the city maps showing the road way. He asked if they were going to come in how would it be divided up. His deed shows a 7ft. variance that comes off that lane and asked if they take that out would they be going along his property line or within the 7 ft. that was surveyed. He did not feel it was right to take farm equipment through their subdivision. He stated it was a designated road on Willard City's plot map.

Commissioner Bingham asked for clarification on the disputed lane and was shown on the plan where it was located. Chairperson Ross asked for any additional comments.

Jared Erickson felt the concerns were using the public roads for equipment and also the easements. He talked with the property owners for a few minutes before Chairperson Ross asked Mr. Erickson to address the Planning Commission. Jared said he respected the comments and would look to see if there was a solution. He said the State Statute says as long as access is provided via a public road it will remain a public road. He wants to work with the landowners to come up with a solution that works for everyone. He also stated this development is still in the planning phase and they are also working on the water plan for the development. It was asked when they thought they would be starting. Jared stated it would depend on the market but would like to start as soon as possible.

Leann Hunsaker – 1430 North Main suggested something be written for the landowner to sign that states they are aware that farm equipment and farm animals will be going down the road. Jared felt that each member of the HOA (Home Owners Association) could sign and acknowledge the road will be used for farming. Leann Hunsaker also suggested maybe putting something on the deeds. Jared suggest they look at putting the public road where the easement would be but felt it could be less lot space for Larry Holmes. Larry Holmes asked how they would come in and divide the lane. City Planner Wheelwright asked if they could redesign the road to make it go straight all the way through. Commissioner Bodily asked if it was a proposed road. City Planner Wheelwright stated yes. Commissioner Bodily felt if it is a proposed road then it needs to be put in. Jared said he would look at redesigning the road to see if it would work. Larry Holmes again stated when he put his shop in in 1975 it was a designated master planned road. City Planner Wheelwright asked Larry Holmes if he would allow the 30 ft. right of way to become part the 60 ft. right of way. Larry stated yes for a price but he would not be giving his property away and felt it would be the same for Dave Ormond property on the other side. City Planner Wheelwright said he received an email from Dave Ormond stating he was in favor of it. Jared said he had talked with Dave Ormond and said it would be huge benefit to him because he will have a road all the way down his property with utilities. He again stated he would go back and redesign the layout.

Marion Stokes said because the road belongs to several property owners is the developer going to come in and buy their share out to make it a public road. Jared stated they do not own the road it is a public easement.

Jay Thackeray 1560 Hargis Hill Road – said he sees both sides and is in favor of both sides because of the tax basis for Willard City. He wanted to know if the city was going to back the farmers when the development goes in with individuals coming from cities that are not farmers and then complain about farm equipment going up and down the road. LeAnn Hunsaker stated it is obvious there will be development but they need to be considerate of the existing land owners. Larry Holmes again stated he was not opposed to the development they just needed to understand the concerns of the property owners. Jared stated he would go back and talk to his engineer and planner. Jay Thackeray also asked if they would be doing improvements such as curb, gutter, sidewalks and storm drains along Hargis Hill Road to accommodate the additional homes going in. Jared said it has not been discussed but the area going into the development would have improvements. City Planner Wheelwright stated another issue will be the development of getting water to the development and a storage tank. Jared stated they are starting to work on the plan. LeAnn Hunsaker stated they need a plan that does not take water away from those living in the area. Jared stated it should help the pressure in the north end of the city.

Verlo Hunsaker 1420 North Main asked what the lot sizes would be. City Planner Wheelwright stated the minimum lot size is 10,000 sq. ft. with 4 houses per acre so they will be allowed to go as small as ¼ acre. He stated this is for the Planned Development not Willard City lot sizes. Verlo asked if this would open it up to the rest of the city for smaller lots. City Planner Wheelwright stated only if they apply for a Planned Development. They can also apply for a subdivision and have ½ lots but would need to be in a ½ zone. Verlo also asked if this development opens it up for multi-family dwellings. City Planner Wheelwright stated it could and is all part of the master plan for Willard. Verlo asked if the city has zoning for multiple housing. City Planner Wheelwright said there are two planned developments proposed for Willard City both are on the south end of town one on the east side and one on the west. He stated at tonight's meeting we are looking what can be done. Verlo asked if this development would need to come back if they are wanting to put in multiple housing. City Planner Wheelwright stated it would need to be approved with the application.

Chairperson Ross asked for any additional comments and concerns and then asked for a motion to close the public hearing.

A motion was made by Commissioner Bingham to close the public hearing at 7:05 p.m. The motion was seconded by Commissioner Meyer. The motion carried with a unanimous vote.

5 Discussion Item

Re-Zone Request for Jared Erickson representing Samuel Kunzler for Parcels #02-035-0046, 02-038-0056, 02-040-0002, 02-043-0013, 02-038-0009, 02-040-0001 and 02-040-0011 from A-3 and A-5 to PD Zone

Chairperson Ross asked the Planning Commission for comments or concerns. Commissioner Bodily felt they needed to address the easement issues. He also stated the easement belongs to the property owners not the city and the developer would need to purchase. The property belongs to someone even though it is an easement and the developer would need to purchase or make a deal with the property owners even though it is a proposed master road.

Commissioner Bingham agreed with Commissioner Bodily and the road is a master planned road. The easement issues need to be resolved with some type of agreement with the property owners. He would also like to see improvements to the Hargis Hill Road with something put in the Development Agreement.

Commissioner Meyer stated it is a legal recorded easement and would need to be researched to make sure it is exactly what they say it is. With an easement they are allowed to have transportation to their property.

Commissioner Seamons also agreed that the easement issues need to be resolved. He also stated this is a public hearing for the rezone only and we are along ways from the development being approved.

Chairperson Ross apologized for not having the information available on the easement issues. He voiced concerns about the 100 West access. He stated for the lower portion there has been discussion held on having an access to that property. He was also in agreement that the landowners have ownership of the easement. Also in the Master Plan states there must be consideration for farmers and agricultural uses and we need to adhere to and safeguard this. He also felt the homeowners need to be made aware they are going to be surrounded by farming. He also felt the Hargis Hill road is falling apart and will need to be addressed and the increase of traffic will not help the road. Jay Thackeray did not want to see the road go any wider than it currently is with the way the houses currently sit on the road. He also felt there needed to be something done to help with the storm water. Chairperson Ross asked that this be something the city needs to put on a list of items that need to be addressed. He felt with the information that Jared and the city needs to acquire that this agenda item be tabled and asked for a motion.

A motion was made by Commissioner Bodily to table the Jared Erickson Re-Zone Request until more information on the easement and access for the lot below can be obtained. The motion was seconded by Commissioner Bingham. The motion carried with a unanimous vote.

City Planner Wheelwright talked with the city engineer on the water and was told if the development was built out today the city water system could handle it but the system would be running 24/7 and the State would not allow this to happen and they would need to come up with a plan.

Commissioner Bingham asked where the irrigation water runoff from the property owners along Hargis Hill would go. City Planner Wheelwright stated it would need to be addressed as part of the drainage system.

b. Bailey Properties request to remove a portion of the front section of the building located south of Apple Creek Amish Store located at 845 North Main and rebuild a new store front

City Planner Wheelwright stated Brent Bailey is asking for a building permit to demolish the front section of the building and replace and update the front of the building. He also stated one issue the city has is parking he said Brent has parking around the building that he can use. He also reported at some point the Bailey's would like to extend the building to the south. There will be a tenant coming in that will run a dance studio at night and a daycare during the day. Commissioner Seamons asked what the purpose was for the landscaping along Hwy 89 because there was no landscaping in front of Apple Creek. Mr. Bailey stated the reason they are moving the building back was so cars did not back right onto Hwy 89 and would just be a barrier so they do not back out. Commissioner Seamons asked how much of the building they would be removing. Mr. Bailey stated 38 ft. Commissioner Meyer asked where parking would be located. Mr. Bailey showed on the map the areas for parking also stating as another tenant comes in they would circulate around the building with more parking on the south side of the building. City Council member asked if the eastside would be the current parking access for the stores. It was stated at this time yes there would be 18 ft. of stalls and a 26 ft. driveway. He also stated there are currently parking stalls along the building. Commissioner Bingham's only concerns is the parking for the stores. Mr. Bailey stated there is plenty of area for parking and stated as things progress they may look at tearing down the house to clean the area up. Commissioner Seamons asked if he has talked with his neighbors. Mr. Bailey stated no. Commissioner Seamons suggested he talk to Rew Wiley about what was proposed. Mr. Bailey felt they were not doing anything that does not fit the zoning and are improving the looks of the building and did not feel any neighbor would complain about what was being done. Chairperson Ross asked about signage. Mr. Bailey stated it would be the same signage as Apple Creek with some of the same colors but not the all the same. Chairperson Ross asked for any additional comments and a motion.

A motion was made by Commissioner Bingham to approve the Bailey Properties design change as proposed. The motion was seconded by Commissioner Seamons. The motion carried with a unanimous vote.

6. Approval of Minutes

The minutes of the May 5, 2016 and June 2, 2016 Planning Commission meeting were reviewed. A motion was made by Commissioner Meyer to approve the above minutes as amended with typographical errors. The motion was seconded by Commissioner Bodily. The motion carried with a unanimous vote.

7. Commissioner Comments/Staff Comments

Commissioner Meyer presented the proposed Willard City Planning Commission Statement handout and a discussion was held on the changes she made. Commissioner Seamons stated she read it in 1 minutes and 30 seconds and felt it would set the rules and tone for the meeting. It was suggested this be printed on the back of the agenda and not necessarily read at the meeting. Chairperson Ross felt it

depended on the meeting whether you would read it or not. There were a few word changes to the statement.

There was a discussion held on road easements and those using the road being protected.

Chairperson Ross asked if the Planning Commission Statement could be amended for the next meeting. Commissioner Seamons suggested it be approved with the changes.

A motion was made by Commissioner Bodily to approve the Willard City Planning Commission Statement with the changes. The motion was seconded by Commissioner Seamons. The motion carried with a unanimous vote.

8. Adjourn

A motion was made by Commissioner Meyer to adjourn the June 16, 2016 Planning Commission meeting. The motion was seconded by Commissioner Bingham. The motion carried. The meeting adjourned at 7:45 p.m.

Minutes were read individually and approved on August 4, 2016

Planning Commission Chair Person
Terry Ross

Planning Commission Secretary
Gaylene Nebeker